

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (i.e., Claims 20-32 and 35) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recognized that the present invention provides a playhouse for children having supporting posts (2) with limit stops (4) or locking elements (23) and being formed as vertical plate-like bodies (7). A roof (1) affixed to the supporting posts (2) with the roof being a self-supporting slab (1) resting in a horizontal direction directly upon the supporting posts (2). In a particularly preferred embodiment, the supporting posts (2) have a length exceeding a distance as measured from the roof (1) to a floor level of the playhouse, and having a recess (3) into which said self-supporting slab (1) is capable of being inserted edgewise. The playhouse of the present invention can be constructed quite easily, in many differing ways, and in little time, with good stability and without the need for using permanent fixation means, such as screws or nails.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel, and easy to construct, playhouse either disclosed or suggested.

By the present amendment, Applicant has cancelled dependent Claims 33 and 34, thereby rendering moot the Examiner's objection to the drawing figures, issued pursuant to 37 C.F.R. §1.83(a), on the ground that the subject matter recited in Claims 33 and 34 was not illustrated in the drawing figures.

Because Applicant submits that the newly-cited prior art does not anticipate nor render obvious the present invention, as claimed, Applicant has not substantively amended his claims at this time.

Turning now, in detail, to an analysis of the Examiner's prior art rejections, in the fourth Office Action the Examiner has rejected the subject matter of independent Claim 20 (and various dependent claims) as being anticipated, pursuant to 35 U.S.C. §102(b), by Walmer, U.S. Patent No. 4,021,960, on contention that Walmer teaches a playhouse with supporting posts having limit stops that are formed as vertical plate-like bodies with horizontal slits, a roof (30) affixed to supporting posts with the roof being a self-supporting slab resting in a horizontal direction directly upon and positioned in the horizontal slits of the supporting posts "with the supporting posts vertically extending beyond the self-supporting slab." In essence, it is the Examiner's contention that Walmer fully discloses all structural elements of the claimed invention as recited in independent Claim 20.

In reply to the Examiner's anticipation rejection applying Walmer, the cover plate, or roof, of the present invention, as recited in Claim 20, is "a self-supporting slab resting in a horizontal direction." The roof in Walmer, by contrast, is a roof "slanted" in two opposing directions, as seen, e.g., in FIG. 1 of Walmer, and cannot therefore be seen as "resting in a horizontal direction." The roof in Walmer is neither "horizontal" nor is it "resting" on supporting posts. Finally, to the extent that Walmer can be viewed as having "supporting posts" that may be analogized to those of the present invention, the supporting posts in Walmer do not extend vertically beyond the roof therein. The roof is Walmer may be viewed as being the highest feature of the doll house therein.

In view of the numerous structural distinctions between that shown in Walmer, as compared to the present invention, as most broadly claimed in Applicant's independent Claim 20, Walmer cannot reasonably be viewed as anticipating the present invention. Further, because of the various differences between Walmer and the presently claimed invention, such as the different manners in setting the roofs and the fact that any supporting posts in Walmer clearly fail to extend beyond the roof therein, Walmer should be seen as teaching against that being claimed by Applicant and, therefore, incapable of rendering that recited in Applicant's claims as obvious.

Consequently, withdrawal of the Examiner's 35 U.S.C. §102(b) anticipation rejection of Claims 20, 21, 26, 28, 31 and 32, which applies Walmer, is respectfully requested.

Separately, the Examiner has rejected Claims 20-22, 24, 25 and 35 (Claim 33 having been canceled) as being anticipated, pursuant to 35 U.S.C. §102(b), by McLaughlin, U.S. Patent No. 4,523,418, on the contention that McLaughlin discloses all structural elements of the claims enumerated in the anticipation rejection, including that roof (25) is affixed to supporting posts and that the "supporting posts vertically extend beyond the slab," as seen as the uppermost element (17) in FIG. 2 of McLaughlin, which could be utilized on a flat roof structure as in FIG. 3 of the applied art.

In reply to the Examiner's anticipation rejection applying McLaughlin, this citation discloses a modular construction system, which may be used for constructing a playhouse from a plurality of

" . . . modules of polygonal shape including elongated rectangles, squares, triangles and trapezoids of stiff sheet material formed with integral interlocking tabs along their margins to permit them to be easily and firmly secured to each other to form three dimension structures. Some of the modules also incorporate interlocking slots for securement to each other."

McLaughlin, Abstract, at lines 1-8.

McLaughlin, quite literally, does not include any "supporting posts," or anything that can be analogized to the

supporting posts, as utilized in Applicant's claimed invention and, as such, there can be no supporting posts extending vertically beyond the self-supporting slab, or roof, in McLaughlin. Instead, McLaughlin uses "interlocking tabs" along the margins of the various sheets of still material for connecting and supporting the structures constructed therewith.

Because McLaughlin fails to disclose or suggest the use of self-supporting posts, let alone that any such self-supporting posts could extend vertically beyond a roof structure in a playhouse, it is respectfully submitted that McLaughlin fails to either anticipate or render obvious Applicant's invention, as claimed.

Accordingly, withdrawal of the Examiner's 35 U.S.C. §102(b) anticipation rejection applying McLaughlin against independent Claim 20 (and various dependent claims) should be appropriately withdrawn.

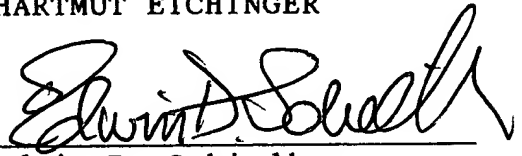
Concerning, finally, the remaining reference made of record by the Examiner, but not applied in any rejection of Applicant's claims, such additional art reference has been carefully considered, but are not believed to adversely affect the patentability of the present invention, as claimed.

In view of the foregoing, it is respectfully contended

that all claims now pending in the above-identified patent application (i.e., Claims 20-32 and 35) recite a novel play-house and versatile for children, having a slab structure for a roof and supporting posts that extend beyond the roof which are formed as vertical plate-like bodies, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding rejections, and the allowance of all claims now pending, are respectfully requested and earnestly solicited.

Respectfully submitted,

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February 11, 2005

Enc.: 1. Petition for Three-Month Extension of Time; and,
2. Check for \$510.00 (Three-Month Extension).

The Commissioner is hereby authorized to charge the Deposit Account of Applicant's Attorney, Account No. 19-0450, for any additional fees which may be due in connection with the prosecution of the present application, but which have not otherwise been provided for.